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Attorneys for Petitioner NEXTEER  
AUTOMOTIVE CORPORATION

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

IN RE: DMCA SECTION 512(H)  
SUBPOENA TO GITHUB, INC.

MISC. ACTION NO: 3:23-MC-80164-LJC

**DECLARATION OF PETE KIOUSIS IN  
SUPPORT OF PETITIONER NEXTEER  
AUTOMOTIVE CORPORATION'S  
REQUEST TO THE CLERK FOR ISSUANCE  
OF A SUBPOENA TO SKIFF WORLD, INC.**

1 I, Pete Kiouisis, declare as follows:

2 1. I am the Assistant General Counsel and Chief IP Counsel at Nexteer Automotive  
3 Corporation ("Nexteer"). As part of my duties, I am responsible for monitoring and addressing  
4 infringement of copyrights owned by or assigned to Nexteer.

5 2. I am authorized to act on Nexteer's behalf. I submit this declaration in support of  
6 Nexteer's request for issuance of a subpoena to GitHub, Inc. ("GitHub") pursuant to Federal Rule of  
7 Civil Procedure 45 *et seq.*

8 3. The purpose of Nexteer's Subpoena is to assist in identifying the alleged infringer or  
9 infringers who posted Nexteer's source code and source code assigned to Nexteer on systems operated  
10 by GitHub without Nexteer's authorization, which postings infringe copyrights held by Nexteer (the  
11 "Infringing Content"). I have personal knowledge of the facts contained herein and, if called upon to do  
12 so, I could and would testify competently thereto.

13 4. Nexteer previously requested, and this Court issued, subpoenas to GitHub, Inc. to identify  
14 individuals who had posted various excerpts of Nexteer's confidential and copyrighted source code to  
15 GitHub, which postings infringe copyrights held by or assigned to Nexteer. After issuance and service of  
16 those subpoenas, Nexteer received certain GitHub account data and, through investigation, identified  
17 Skiff email accounts potentially related to the users posting infringing content to GitHub. Nexteer now  
18 seeks information about these Skiff email users to further aid in identifying the individuals infringing  
19 Nexteer's copyrights and disseminating Nexteer's intellectual property without authorization.

20 5. Nexteer's subpoena is sought to identify an alleged infringer or infringers, and such  
21 information will only be used for the purpose of protecting Nexteer's rights under 17 U.S.C. §§ 100, *et*  
22 *seq.*

23 I declare under penalty of perjury under the laws of the State of California and Michigan that the  
24 foregoing is true and correct.

25 Executed on January 31, 2024 at Waterford Township, Oakland County, Michigan.

26 

27 Pete Kiouisis  
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